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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,171	03/12/2001	Michael Waller	9044.00	1047

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EXAMINER

LY, NGHI H

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,171

Applicant(s)

WALLER ET AL.

Examiner

Nghi H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 8-15, 24-30 and 33-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikinis et al (US 6,389,290).

Regarding claims 1 and 26, Kikinis teaches a method of accessing information on an information network accessible by a mobile communications device (see column 4, lines 54-65 and column 2, lines 1-4), the method comprising: determining location of the device (column 2, lines 1-4), and supplying information to a user in accordance with that location (also see column 2, lines 1-4).

Regarding claim 2, Kikinis further teaches determining orientation of the device and supplying information in accordance with that orientation (see column 2, lines 1-4).

Regarding claims 3, 4, 8 and 29, Kikinis further teaches the orientation is determined about a vertical axis (see fig.2 box 51 number 5 and column 5, lines 41-61).

Regarding claims 5 and 28, Kikinis further teaches the location of the device is determined by a GPS or by triangulation from terrestrial transmitters (see column 4, lines 40-44).

Regarding claims 9 and 11, Kikinis further teaches the device looks up stored addresses of information resources, selects resource addresses appropriate to the location and/or orientation of the device, and requests access via the network to information resources at the selected addresses (see column 3, lines 56-58).

Regarding claims 10, 15, 27 and 35, Kikinis further teaches the location of the device is determined independently of the device and wherein the network supplies to the device information held at selected resource addresses appropriate to the location of the device (see column 5, line 65 to column 6, line 4).

Regarding claims 12 and 37, Kikinis further teaches grouping information on the network into channels relating to respective user requirements at a location and selecting among those channels to supply information in accordance with the respective user requirement at that location (see column 1, line 56 to column 2 lines 4).

Regarding claim 13, Kikinis further teaches comprising supplying audio information to the user (see column 2, lines 12-19 and column 12, lines 49-53).

Regarding claim 14, Kikinis further teaches supplying visual information to the user (see column 1, lines 56-65).

Regarding claim 24, Kikinis further teaches the supplied information comprises an advertisement (see column 3, lines 56-61).

Regarding claim 25, Kikinis further teaches the network comprises the Internet or an intranet (see column 3, lines 61-65), and wherein the information is held at URLs being the addresses of information resources on the network (see column 3, line 49 to column 4, line 3).

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Regarding claim 30, Kikinis further teaches an electronic compass (see fig.2).

Regarding claim 33, Kikinis further teaches the location and/or orientation of the device is determined either internally or by programming by the user or by the network, and information requested from the network is tailored accordingly (see column 5, lines 42-61).

Regarding claims 34 and 36, Kikinis further teaches a stored look-up table of addresses of information resources, means for selecting from the look-up table resource addresses appropriate to the location and/or orientation of the device, and means for requesting access via the network to information resources at the selected addresses (see abstract and column 1, line 56 to column 2, line 3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 6 and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis et al (US 6,389,290) in view of Hashimoto (US 6,338,020).

Regarding claims 6 and 32, Kikinis teaches determining the location and/or orientation of the device (see column 1 line 57 to column 2, line 3). Kikinis does not specifically disclose the location and/or orientation of the device is further determined by measuring acceleration of the device.

Hashimoto teaches the location and/or orientation of the device is further determined by measuring acceleration of the device (see column 1, lines 40-56 and see column 3, lines 3-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Hashimoto into the system of Kikinis so that the position can be obtained from the detected direction and speed data (see Hashimoto, column 3, lines 3-11).

6. Claims 7, 16-23, 31 and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis et al (US 6,389,290) in view of Tsuda (US 6,233,094).

Regarding claims 7 and 31, the combination of Kikinis and Tsuda further teaches the orientation of the device is further determined about a horizontal axis (see Tsuda, column 3, lines 11-25).

Regarding claims 16 and 38, Kikinis teaches the method of claims 1, 15 and 26. Kikinis does not specifically disclose the subject is viewed simultaneously with a display of the device that supplies information relating to the subject.

Tsuda teaches the subject is viewed simultaneously with a display of the device that supplies information relating to the subject (see column 8, lines 32-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Tsuda into the system of Kikinis so that the user can read out those information with viewing of other user (see Tsuda, column 8, lines 32-45).

Regarding claim 17, the combination of Kikinis and Tsuda further teaches the subject is viewed through the display (see Tsuda, column 8, lines 32-45).

Regarding claims 18 and 39, the combination of Kikinis and Tsuda further teaches the display overlays information upon the image of the subject viewed through the display (see Tsuda, column 8, lines 32-45).

Regarding claims 19 and 40, the combination of Kikinis and Tsuda further teaches the subject is the physical environment visible through the display and wherein the information relating to the subject is a virtual object apparently placed in or otherwise associated with the physical environment at the location of the device (see Tsuda, column 8, lines 32-45).

Regarding claims 20-23, 41 and 42, the combination of Kikinis and Tsuda teaches claims 19 and 40 in stead of the virtual object is a virtual terminal for the provision of a service or information, such as an ATM, or the virtual object is a marker

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that can be activated to access an information deposit *or* the deposited information is uploaded from a mobile communications device to the network *or* the deposited information is uploaded by another user as claimed. However, using the virtual object is a virtual terminal for the provision of a service or information, such as an ATM, *or* the virtual object is a marker that can be activated to access an information deposit *or* the deposited information is uploaded from a mobile communications device to the network *or* the deposited information is uploaded by another user is known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination as claimed, in order to improve the virtual object is a virtual terminal for the provision of a service or information, such as an ATM, *or* the virtual object is a marker that can be activated to access an information deposit *or* the deposited information is uploaded from a mobile communications device to the network *or* the deposited information is uploaded by another user as claimed.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Alexander (US 6,574,561) teaches emergency management system.
- b. Beason (US 6,529,827) teaches GPS device with compass and altimeter and method for displaying navigation information.
- c. Nordstrom (US 3,691,520) teaches maneuvering command display for aircraft.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

NHL
03/15/04

Marsha D Banks-Harold
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